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OCT 24 2005

Clark, U.S. Dist. Court
W. Dist. of N.C.

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

HILMAR LEIBER,

Plaintiff,

v.

**ARBORETUM JOINT VENTURE, LLC, Et
al.**

Defendants.

WACHOVIA BANK, N.A.,

Third-Party Plaintiff,

v.

DRESDNER BANK, AG, Et al.

Civil Action No. 3:05-CV-305-H

**ORDER FOR DISMISSAL WITHOUT
PREJUDICE**

This matter comes before the Court upon the amended motion of the plaintiff pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure for voluntary dismissal without prejudice of his claims in this action and for dismissal as moot of the cross-claims and third-party claims of Defendants Bank of America and Wachovia Bank.

The plaintiff's motion is hereby GRANTED. It is, accordingly, hereby ORDERED that ALL CLAIMS in this action are hereby DISMISSED WITHOUT PREJUDICE.

This the 27th day of Oct, 2005.

Carl Horn, III

Honorable Carl Horn III